

**City of Lockhart  
Planning and Zoning Commission  
August 23, 2023**

**MINUTES**

**Members Present:** Philip Ruiz, Manuel Oliva, Bradley Lingvai, Phil McBride, Rick Arnic, Ron Peterson, Julia Haug

**Members Absent:** None

**Staff Present:** Christine Banda, David Fowler, Kevin Waller, Evan Olszewski

**Visitors/Citizens Addressing the Commission:** Janeane Tolomeo, Erik Summa, Kenneth Price, Maria Gonzales, Teres Valdez, Jaclyn Zapien, Monte Guidry, Jim Meredith, Keith Moody, Carmen Rangel, Dora Torres, Barbara Wilhelm, Tony Miller, Paul Leventis

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the August 9, 2023, meeting.

*Commissioner Oliva moved to approve the August 9, 2023, minutes. Commissioner Haug seconded, and the motion passed by a vote of 7-0.*

4. SUP-23-09. Hold a PUBLIC HEARING and consider a request by Janeane Tolomeo for a Specific Use Permit to allow a Lodging or Boarding House in the RMD Residential Medium Density District on 0.385 acres in the Byrd Lockhart League, Abstract No. 17, located at 202 West Olive Street.

David Fowler presented his staff report, which included maps of the neighborhood and photos of the subject residence. He said the applicant would like to rent out their extra bedroom for weekends or overnight stays. This rental area would be located in a unit that is in a separate module under the house's main roof. The applicants will continue to live in the front portion of the home while the other section is rented out. Mr. Fowler said that one letter of opposition was received.

Chair Ruiz opened the public hearing.

Janeane Tolomeo and Erik Summa of 202 West Olive said they contacted city staff to see what steps they would need to rent out their extra room. City staff recommended the sup for

lodging. The extra income would help offset their mortgage cost. They would continue to live in the front portion of the home. The idea is to market the property for couples that would like to visit on the weekends or when there are local events.

Commissioner Arnic asked if they built the home.

Ms. Tolomeo said that they purchased the home about three months ago.

Kenneth Price of 820 N Blanco Street said that in attending the meeting they have a better understanding of what is being requested but are still against the sup. He and his wife plan on installing a new privacy fence between the adjoining property lines. He said that his neighbors at 900 N Blanco St., 209 Olive St., 207 W. Olive St., and 911 N. Blanco St. are against the SUP and left signed letters with him to give to you because they could not make it this evening .

Maria Gonzales of 113 W. Olive Street said she wants her neighborhood to remain quiet and is concerned about what type of people will rent the room. There could be backyard parties with loud music. For these reasons, she was against the SUP.

Teresa Valdez of 113 Chalmers, San Antonio said she owns the home at 119 Mulberry Street, Lockhart. She states that her backyard abuts the subject property. She said renting a room could bring a different type of clientele to the neighborhood which could be a problem.

Erik Summa came forward to acknowledge his neighbors' concerns. He said they would work to be respectful to their neighbors and would vet those who wish to rent their room. Since they live in the house, they plan to monitor the behavior of their guests. They love their neighborhood and wish it to stay the same as well.

Chair Ruiz closed the public hearing.

Mr. Fowler said that staff recommends approval because the SUP request meets all requirements.

Vice-Chair Oliva made a comment that the home had been an eyesore for the neighborhood from the beginning of its construction. It should not become a rental home.

Mr. Fowler reiterated that they are requesting to rent a single bedroom in one module of the home, not the whole home.

*Commissioner Lingvai moved to approve SUP-23-09. Commissioner Peterson seconded, and the motion passed with a vote of 5-2 with Chair Ruiz and Vice-Chair Oliva against.*

5. ZC-23-05. Hold a PUBLIC HEARING and consider a request by Bobby Schmidt on behalf of Schmidt Business LTD & Schmidt Cattle LP, for a Zoning Change from AO Agriculture-Open Space District and RLD Residential Low Density District to 30.04 acres RHD Residential High Density District and 8.01 acres CHB Commercial Heavy Business District on a total of 38.05 acres in the Byrd Lockhart League, Abstract No. 17, located at 1502 North Colorado Street (US 183).

Mr. Fowler said that the applicant would like the requested zoning change to CHB along Hwy 183 and the rear of the property to be zoned RHD to allow for higher density residential. He mentioned that extending wastewater to the site is still an issue but that the same developer has property directly to the south and hopefully can find a solution to resolve this issue for both projects. He showed a very rough conceptual plan to the commissioners that the applicant provided. He said no opposition was received.

Chair Ruiz opened the public hearing.

Keith Moody of Moody Engineering came forward to address any questions from the commissioner. He did say that the concept is very rough and is likely to change because most of the property has a very steep slope towards the east. The conceptual plan was created to show the extension of Silent Valley Road and how it would be beneficial for both projects.

Chair Ruiz felt not enough information was given to convince him of a zoning change.

Commissioner Haug asked if they looked at CMB zoning instead of CHB which allows heavier commercial uses. She stated she thought this area of Lockhart is a main entry way, and she would like to keep it aesthetically pleasing.

Mr. Moody said he chose the proposed zoning districts for flexibility in potential development.

Jim Meredith with Masonwood Development came forward. He said he is also developing the adjoining property directly to the south where there is RHD zoning already in place. This is why he requested the same zoning for the subject property. This is a major intersection which would have a lot of traffic. They are looking for mostly a retail center, which would be the highest and best use for the area. They are still looking at their housing options.

Chair Ruiz closed the public hearing.

Mr. Fowler said that CHB zoning was consistent with the Future Land Use plan, but the rest of the requested zoning change did not follow the plan. He cautioned the commissioners that when considering a zoning change you must factor in all the types of uses allowed in that district. He said that staff recommends approval due to the request's consistency with either the future land use map or nearby zoning.

*Commissioner Oliva moved to approve ZC-23-05. Commissioner Peterson seconded, and the motion failed with a vote of 2-5 with Chair Ruiz, Commissioners McBride, Arnic, Lingvai, and Haug against.*

*Commissioner Arnic moved to deny ZC-23-05. Commissioner Haug seconded, and the motion passed with a vote of 5-2 with Vice-Chair Oliva and Commissioner Peterson against.*

6. ZC-23-06. Hold a PUBLIC HEARING and consider a request by Monte J. Guidry for a Zoning Change from CHB Commercial Heavy Business to RMD Residential Medium Density District on a total of 0.216 acres in the Byrd Lockhart League, Abstract No. 17, located at 1013 North Colorado Street (US 183).

Mr. Fowler reminded the commissioners that the item was originally tabled in April but as three months had passed since the applicant requested time to obtain the needed survey, the applicant needed submit a new application. He noted there are several issues with the subject property that involve the garage conversion, encroachments onto surrounding parcels, and several building code violations. The first step to help make the property legally conforming is the zoning change. After that, the applicant can move forward to correct their other violations. He mentioned that a neighbor came to City Hall to inform staff of another violation where the main home was allegedly converted into duplex.

Chair Ruiz opened the public hearing.

Monte Guidry of 4835 Seawillow Road said he is the owner of the property. He said that the main home was not converted into a duplex. They only cleaned it up inside and added doors.

Jaclyn Zapien of 4835 Seawillow Road said that they are here for a zoning change request only. The property was originally a mechanic shop and could be converted back to a shop if need be but they would like to get the zoning change so they can make the ADU conforming. She said that Mr. Guidry bought the property without knowing there were violations. It was the original owners who made the issues with encroachment when they sold off a portion of their property.

Carmen Rangel said the inspector is more than welcome to come inside the main house to see what remodeling has been done.

Ms. Zapien said they had the windows replaced with a permit.

Dora Torres of 1017 Kate Street said she lives right across the street from the yellow building at the rear of the main home. She is concerned because previous renters would use her yard and parking all along the street which would leave her very little room to access her property.

Mary Wilhelm of 1017 N Colorado Street said just recently the main house's tenants had blocked her mailbox, and she did not receive her mail for three days. She claimed they are always blocking her driveway in the front and back. She is opposed to the zoning change.

Barbara Wilhelm of 510 Bois D'Arc confirmed that her mother-in-law did not receive her mail for three days and that they had to call the police to have the residence move their vehicles from blocking the mailbox. But many times, before, the neighbors have blocked her trash can and driveways. There are encroachment issues on the property, but they have no desire to obtain additional property from the neighbor or trade property. They do want the satellite dish and gate removed from their property. They are concerned that the ADU and main home did not receive permits and that it does not meet code requirements. They are against the zoning change.

Tony Miller of 1508 W San Antonio Street said he has known Wilhelms for over 30 years and is very familiar with the subject property. The previous three owners were approached by the Wilhelms to help with the encroachment issues but have not had any luck. He mentioned the Ms. Wilhelm is very concerned about the new owners. The new owners are very familiar with city requirements and own numerous other properties in the city where they should have

recognized these violations before purchasing the property. He said he is against the zoning change.

Ms. Zapien came forward again addressing the noise concerns. She said if the property returns to being a mechanic shop there would be additional noise. She said she was trying to make things right and the applicant paid for a survey to see what the encroachments were, which was not cheap. She stated would like to bring the property into compliance.

Commissioner Peterson said he had concerns about tenants of the subject property blocking their neighbors' mailbox and driveways.

Ms. Zapien said she was not aware of the parking issues. She stated the parking issues would be addressed in the lease agreements. The gate and fence will be removed. She stated she would do whatever the city requires to comply.

Chair Ruiz closed the public hearing.

Mr. Fowler stated that the item before the commission was only the zoning change request. He said staff recommends approval if there was no significant opposition.

*Commissioner Oliva moved to deny ZC-23-06.*

Chair Ruiz said the motion died for a lack of a second.

*Commissioner Haug moved to approve ZC-23-06. Commissioner Lingvai seconded, and the motion passed with a vote of 4-2-1 with Chair Ruiz and Vice-Chair Oliva against and Commissioner Arnic abstention.*

7. FP-23-04. Consider a request by Paul Leventis for approval of a revised Final Plat for Lockhart Farms Addition Phase 2, consisting of 36.18 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and CMB Commercial Medium Business District, and located in the 2000 block of West San Antonio Street (SH 142).

Kevin Waller came forward and said that the final plats for Lockhart Farms Phase 1 and 2 were conditionally approved on November 17, 2021, and August 10, 2022. The applicant is requesting approval of a revised configuration of the Final Plat of Phase 2. The current plat includes 145 single-family lots, two commercial lots, three common area lots, two drainage lots, three joint public access and drainage lots, and one joint public access, public utility, and one drainage lot for a total of 156 lots. The homeowner's association will own and maintain the drainage and common area lots. The previously approved Phase 2 configuration included 147 single-family lots, two commercial lots, 6 drainage lots, and one common area lot. Another revision to the plat is the relocation of a 22-foot-wide drainage easement from the rear yard of Lots 2 through 16, Block 6 to a 20-foot-wide drainage easement behind these lots on the adjacent Stanton property to the north, which has been approved by the City Engineer and will allow for larger backyards on those lots. Lastly, the 20-foot-wide drainage easement shown on the previously approved plat along the rear of Lots 1, 2, and common area lot D-5 in Block 6 has been removed. Both the project engineer and the city engineer have confirmed that it is not necessary.

Paul Leventis of 2554 Emerald Ridge Estates, College Station said they brought back the plat because of the changes made.

Chair Ruiz asked for staff recommendation.

Mr. Waller said staff recommends approval with the suggested conditions. All references to a regional detention pond must be referred to as a regional retention pond. The sheet index and vicinity map must be placed back on the plat and remove PrDE (private drainage easement) from the legend.

*Commissioner McBride moved to approve FP-23-04 with staff's suggested conditions. Commissioner Arnic seconded, and the motion passed with a vote of 7-0.*

8. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

Mr. Fowler said that the next meeting will be September 13th with one zoning case anticipated.

9. Adjourn.

*Commissioner Oliva moved to adjourn, and Commissioner Haug seconded. The motion passed by a unanimous vote, and the meeting adjourned at 9:18 p.m.*

Approved: \_\_\_\_\_

9/13/2023

(date)

  
\_\_\_\_\_  
Christine Banda, Recording Secretary

  
\_\_\_\_\_  
Philip Ruiz, Chair